

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED NOTICE AND AGENDA

(SPECIAL MEETING: TIME CHANGE; ITEMS 1B AND 2B ADDED; JUDICIAL APPOINTMENTS
ADVISORY BOARD TECHNICAL WORDING CORRECTION)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Kevin J. Osterman

Tuesday, October 4, 2005

*****3:30 P.M.**

City Council Special Meeting

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **3:33 P.M.**

Roll Call – **ALL PRESENT**

1. REQUEST FOR EXECUTIVE SESSION TO:

A. Update on City Attorney recruitment process.

Contact Neal Shearer, 480-312-2604, nshearer@scottsdaleaz.gov

- ***B.** Discuss and consult with representatives of the public body and the City's attorneys concerning negotiations for continued operation of the Coronado Golf Course. Contact: Deborah Robberson, Acting City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov.

2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:

- A. Discuss or consider employment, assignment, appointment, and salary of City Attorney. The City Council will receive information on the status of the recruitment process from representatives of Waters-Oldani Executive Recruiters; Teri Traaen, Human Resources General Manager; and Neal Shearer, Assistant City Manager. Discussion or consideration of records exempt by law from public inspection. Provide direction to staff and consultants concerning recruiting, screening, or interviewing candidates for the position of City Attorney. The City Council may also discuss or consult with the City's attorneys for legal advice concerning the hiring of a City Attorney. A.R.S. 38-431.03(A)(1), A.R.S. 38-431.03(A)(2), A.R.S. 38-431.03(A)(3).

- ***B.** Discuss and consult with representatives of the public body and discuss and consult with the City's attorney(s) for legal advice and to consider its position and instruct its representatives and attorney(s) regarding negotiations for possible agreements and real estate transactions for continued operation of the Coronado Golf Course, which is located generally east of Miller Road and south of Thomas Road. A.R.S. 38-431.03(a)(3), (a)(4) and (a)(7).

Adjourn to Executive Session – **3:34 P.M.**

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:12 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **EXPLORER POST 908**

Invocation – **PASTOR RAY BARTON**

Presentations/Information Updates

Presentation of Fire Department Plaques to the City Council

McDowell Sonoran Preserve Month Proclamation

Bureau of Reclamation Award Presentation

Appointments

Reappointment of Associate City Judge Joseph Olcavage – **OK – 7/0**

Appointment of Citizen Code of Ethics Task Force – **APPOINTED: DR. ART DECABOOTER, CHAIRMAN; JIM DEROUIN; MARGARET DUNN; JIM BRUNER; RITA SAUNDERS-HAWRANEK; DEWEY SCHADE; NED O’HEARN**

Boards, Commissions, and Task Force Nominations (Note: Interviews and Appointments Scheduled for October 18, 2005)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select several nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

Building Advisory Board of Appeals (1) – **BUCKY HAVER**

Environmental Quality Advisory Board (2) - **ROBERT ANNAN, MICHELE COHEN, JIMMY LEUNG**

Judicial Appointments Advisory Board (1 *Scottsdale* Bar Representative, 1 State Court Representative, 1 Citizen Representative) – **JOHN COREY, BERNARD KATZ, PAUL RYBARSYK**

Loss Trust Fund Board (2) – **LES BOYCE, DEAN COUGHENOUR, EDWARD FOSTER**

Neighborhood Enhancement Commission (1) – **ROBERT BRETZ, ANDREW BRYANT, LYDIA DROSS, AARON KERN**

Public Comment – **ROLAND KUEFFNER PRESENTED CONCEPTUAL AND POST-CONSTRUCTION VIEWS OF PROPOSED WATER TANKS ON CATTLETRACK ROAD. HE BELIEVES THE COUNCIL AND CITIZENS WERE NOT TOLD THE TRUTH. GEORGE KNOWLTON EXPRESSED CONCERN THAT THE CITIZEN ETHICS TASK FORCE SELECTION PROCESS WAS CIRCUMVENTED AND UNETHICAL. LEON SPIRO SPOKE ON GLO PATENT EASEMENTS AND REQUESTED A DOCUMENT REGARDING PRIVATE PROPERTY RIGHTS BE PLACED IN THE MINUTES. MIKE ALOISSI REQUESTED CONSIDERATION FOR HIS PREVIOUSLY PROPOSED POLICE COMMISSION AND STATED THAT HE WILL ANNOUNCE HIS CANDIDACY FOR PUBLIC OFFICE ON OCTOBER 10. LARRY HEATH NOTED THE LEVELS OF MAINTENANCE ON BALLFIELDS THROUGHOUT THE CITY AND URGED THE COUNCIL TO RELEASE FUNDS TO HIRE ADDITIONAL STAFF.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “Public Comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Approval of Minutes – **OK – 7/0**

SPECIAL MEETING
[September 13, 2005](#)

WORK STUDY SESSION
[September 13, 2005](#)

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Buster McNutty's Bar & Grill (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.
Location: 2323 N. Scottsdale Road
Reference: 46-LL-2005
Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Fry's Marketplace #673 (Liquor Store) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a location transfer of a series 9 (liquor store) liquor license.
Location: 20427 N. Hayden Road
Reference: 47-LL-2005
Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Danny's Scottsdale & Shea (Beer and Wine Store) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license.
Location: 10444 N. Scottsdale Road
Reference: 48-LL-2005
Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. **Acapulco Bay Co. (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.
Location: 3030 N. 68th Street
Reference: 52-LL-2005
Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, October 4, 2005

Page 4 of 9

5. **The Villas at Whisper Rock - Unit 7 Final Plat – OK – C**

Request: Consider final plat approval for Whisper Rock Estates Unit 7, consisting of 19 golf villas with amended development standards on 11.42 acres.

Location: North of the northeast corner of Whisper Rock Trail and Old Bridge Road

Reference: 13-PP-2004

Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. **Cantabrica Final Plat – OK – C**

Request: Consider final plat approval for nine residential lots with amended development standards on a 28.5+/- acre parcel.

Location: 11885 E. Jomax Road

Reference: 15-PP-2004

Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. **Desert Mountain Parcel 16 Final Plat – OK – C**

Request: Consider final plat approval for 40 single-family residential lots with amended development standards on a 14.92-acre parcel.

Location: 10525 E. Desert Hills Drive

Reference: 1-PP-2005

Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

8. **X Lofts Amended Development Standards – OK – C**

Requests:

1. Amend development standards to case 52-ZN-1997#3 on a 1.43 +/- acre parcel located at 7044, 7050, 7106, 7116, and 7126 E. Osborn Road with Downtown/Office Commercial Type 2 District, Planned Block Development, Downtown Overlay (D/OC-2 PBD DO) zoning.
2. Adopt Ordinance No. 3639 affirming the amended development standards.

Location: 7044, 7050, 7106, 7116, and 7126 E. Osborn Road

Reference: 52-ZN-1997#4

Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

9. **Engineering Services Contract for Final Design Plans for Indian Bend Road Improvements – OK – C**

Request: Authorize modification to Engineering Services Contract No. 2003-157-COS with URS Corporation, in the amount of \$1,274,935 to provide the final design plans and all associated contract documents for improvements to Indian Bend Road between Scottsdale and Hayden roads.

Related Policies, References: On Nov. 3, 2003 Council awarded Engineering Services Contract No. 2003-157-COS to URS Corporation for evaluating design options for Indian Bend Road between Scottsdale Road and Hayden Road.

Staff Contact: Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

10. **Removal of Southeast Downtown Redevelopment Area Designation – OK – C**

Request: Consider Resolution No. 6735 for the removal of the Southeast Downtown Redevelopment Area Designation. The area encompasses the portion of Downtown east of Scottsdale Road to Civic Center/Drinkwater Boulevard and from Second Street to Earll, as well as the area east of Civic Center/Drinkwater Boulevard to Miller Road, south of Indian School to Osborn.

Staff Contact: David Roderique, Economic Vitality General Manager, 480-312-6701, droderique@scottsdaleaz.gov

11. **FY2005/2006 Matching Event Advertising Funding – OK – C**

Requests:

1. Adopt the Tourism Development Commission's recommendation to authorize funds generated from bed taxes for events promotion in the total amount of \$166,907.
2. Authorize the Tourism Development Manager to execute, on behalf of the City, individual agreements with each approved event producer.
3. Approve Resolution No. 6739 authorizing funding for the FY2005/2006 Matching Event Advertising Program, and authorizing the Tourism Development Manager to execute individual agreements with each Event Producer.

Related Policies, References: Ordinance Nos. 2049, 2702, and 3577 (amended) provide for the expenditure of bed tax funds for promotion of qualified events.

Staff Contacts: Dave Roderique, Economic Vitality General Manager, 480-312-7601, droderique@scottsdaleaz.gov; Kathy Carlisle O'Connor, Economic Vitality Tourism Development Manager, 480-312-7057, kcoconnor@scottsdaleaz.gov

12. **Airport Terminal Building Improvements Construction Contract Award – OK – C**

Request: Authorize bid award No. 06PB016 in the amount of \$346,305.23 to Rampart General, LLC to construct building improvements including the expansion of second floor office space.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

13. **Renewal of Multi-Year Contract for on-call Airport Planning and Engineering Services – OK – C**

Request: Adopt Resolution No. 6736, authorizing the final one-year renewal of Contract No. 2003-161-COS with Gilbertson Associates, Inc. to provide engineering services for the Scottsdale Airport.

Related Policies, References: Contract No. 2003-161-COS; Scottsdale Procurement Code.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

14. **Intergovernmental Agreement (IGA) with Maricopa County for Special Transportation Services – OK – C**

Request: Adopt Resolution No. 6720, authorizing a one-year IGA (#2005-142-COS) with Maricopa County for the provision of Special Transportation Services for eligible participants.

Related Policies, References:

- IGA No. 2005-142-COS
- City Procurement Code

Staff Contacts: Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov; Dave Meinhardt, Transportation Planning and Transit Director, 480-312-7010, dmeinhardt@scottsdaleaz.gov

15. **Amendment to the Scottsdale Revised Code Regarding the Use of Streets or Public Property for Parking – OK – C**
Request: Adopt Ordinance No. 3643 approving updates to Chapter 17, Article V of the Scottsdale Revised Code relating to the use of streets or public property for vehicle and trailer storage.
Related Policies, References: Scottsdale Revised Code Chapter 17, Article V
Staff Contacts: Judy Register, Citizen and Neighborhood Services General Manager, 480-312-2454, jregister@scottsdaleaz.gov; Raun Keagy, Neighborhood Services Director, 480-312-2373, rkeagy@scottsdaleaz.gov
16. **Landscape Assistance Program to Promote Neighborhood Revitalization and Water Conservation – OK – C**
Request: Adopt Ordinance No. 3637, creating a new division of the Water Conservation Code (Chapter 49, Article VII, of the Scottsdale Revised Code) and establishing the Landscape Assistance Program to provide installation of water conserving, low maintenance landscape at no cost to qualified low- and moderate-income homeowners.
Related Policies, References:
 - Resolution No. 6687 and Ordinance No. 3621 authorizing implementation of enhanced water conservation rebate programs, July 5, 2005.
 - City Council Goal: “Enhance and protect a diverse, family-oriented community where neighborhoods are safe, protected from adverse impacts, well maintained and actively revitalized.”**Staff Contacts:** David Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov; Judy Register, Citizen and Neighborhood Resources General Manager, jregister@scottsdaleaz.gov
17. **Water Oversizing Agreement with CGP-Granite Golf, LLC – OK – C**
Request: Authorize Water Oversizing Agreement #2005-156-COS for payment of \$150,000 to CGP-Granite Golf, LLC for the installation of 4,051 LF of 24” and 20” waterline in Rio Verde Drive between 116th Street and 122nd Street.
Related Policies, References: City of Scottsdale City Code Sec. 49-220 Oversizing, approved by City Council on December 20, 1993.
Staff Contact: David M. Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov
18. **Expert Witness Contracts for City of Scottsdale v. Financial Builders, Inc. et al. – OK – C**
Request: Adopt Resolution Nos. 6748 and 6749, authorizing the City to enter into Contract No. 2005-152-COS with Automated Civil Services, LLC and Contract No. 2005-153-COS with EconLit, LLC to provide expert witness services to the City in *City of Scottsdale v. Financial Builders, Inc., et al.*, CV2004-015913, a Preserve condemnation case.
Related Policies, References: Resolution No. 6073, which authorized the condemnation of the 40.36 (+/-) acre parcel for the McDowell Sonoran Preserve.
Staff Contacts: Deborah Robberson, 480-312-2405, Acting City Attorney, drobberson@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, October 4, 2005
Page 7 of 9

19. **FY 2005/2006 Budget Appropriation and Cash Transfers to the Fleet Fund – OK – C**
Request: Approve budget appropriation and cash transfers in the amount of \$1,860,400 from the various operating department budgets to the Fleet Fund (i.e., an Internal Service Fund) budget (700-10620-54710) for the *initial* purchase of vehicles and equipment associated with new staff positions approved and included in the adopted FY 2005/06 Budget.
Staff Contacts: Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov; Art Rullo, Budget Director, 480-312-2435, arullo@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

20. Scenic Corridor Signage Text Amendment – MOTION TO APPROVE 7-TA-2004, AMENDED TO ALLOW A MAXIMUM OF 5 FEET AND ADOPTION OF ORDINANCE OF 3641, AMENDED TO SHOW MAXIMUM OF 5 FEET – OK – 5/2 (JL, RM)

Requests:

1. Consider a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article VIII. Sign Requirements to allow smaller signs to be located near the street, to prevent the installation of taller signs currently allowed, and to make sign character and quality a consideration for the Development Review Board.
2. Adopt Ordinance No. 3641 affirming the text amendment.

Location: Citywide

Reference: 7-TA-2004

Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

21. Scenic Roadway Designations General Plan Amendment – MOTION TO APPROVE, INCLUDING OPTION A – OK – 7/0

Requests:

1. Consider a General Plan Amendment to the Open Space and Recreation Element and the Character and Design Element regarding scenic roadways in Scottsdale. This amendment would accomplish the following:
 - Apply buffered setback/parkway designation to Bell Road.
 - Maintain Lone Mountain and Thompson Peak as buffered roadways.
 - Add “Desert Scenic Roadways” to General Plan scenic roadway hierarchy. Note: this designation is recommended for Dixileta and Jomax roads.
 - Amend the text of the General Plan to reference the Scenic Corridor Design Guidelines and future Buffered Roadway and Desert Scenic Roadway Design Guidelines.
 - Create Buffered Roadway and Desert Scenic Roadway Design Guidelines and look at additional themed streets.
2. Consider adopting Resolution No. 6716 affirming the General Plan Amendment.

References: 1-GP-2004

Staff Contacts: Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

REGULAR AGENDA

Tuesday, October 4, 2005

Page 9 of 9

22. Reimbursement Resolution to Purchase 79.75-acre Parcel of Arizona State Trust Land –

MOTION TO APPROVE – OK – 7/0

Requests:

1. Adopt Purchase Resolution No. 6751 for the land acquisition and associated financing and closing costs related to a 79.75-acre parcel from the Arizona State Land Trust, and declaring an emergency.
2. Adopt Reimbursement Resolution No. 6741 declaring the City's intent to advance funds not to exceed \$50,000,000 for the financing of the State Land Trust purchase, and declaring an emergency.

Related Policies, References: Resolution No. 6674, dated May 17, 2005, Adopted Financial (Debt) Policies.

Staff Contacts: Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov; Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

Public Comment – NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report – NONE

Mayor and Council Items – NONE

Adjournment – 8:23 P.M.